

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Respondent,  
v.  
MONDER KHOURY,<sup>1</sup>  
Movant.

No. 2:99-cr-00093 JAM AC

## ORDER

Movant.

Movant.

Monder Khoury, a federal prisoner, was convicted in 2001 of drug charges and sentenced to a prison term of 292 months. ECF No. 169. The Ninth Circuit affirmed the conviction and sentence on July 2, 2002. ECF No. 183. On June 6, 2003, movant filed a motion pursuant to 28 U.S.C. § 2255. ECF No. 184. The motion was denied, ECF No. 228, and the Ninth Circuit affirmed, ECF Nos. 237, 238. On March 7, 2012, movant filed a Rule 60(b) motion for relief from judgment (ECF No. 239), followed, on May 7, 2012 by a “motion to amend Rule 60(b) motion to vacate” (ECF No. 241). The government filed an opposition in the form of a motion to dismiss the Rule 60(b) motion (ECF No. 252) on August 1, 2012, to which movant filed his opposition (ECF No. 255) on August 13, 2012. Thereafter, movant filed yet another motion to

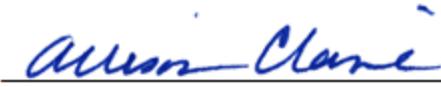
<sup>1</sup> Although in the instant case docket, defendant/movant's first name is spelled "Mondor," the correct spelling of this defendant's first name appears to be "Monder." See, ECF Nos. 62, 64, 193, 237, 239, 241 and # 260. The undersigned references movant's own spelling of his name.

1 amend his Rule 60(b) motion on September 20, 2012. ECF No. 256. The Rule 60(b) matter was  
2 initially referred by District Judge Mendez to Magistrate Judge Hollows and ultimately  
3 reassigned to the undersigned. See ECF Nos. 243, 257. Movant has since voluntarily requested  
4 dismissal of the pending Rule 60(b) motion (and its various putative amended incarnations). ECF  
5 No. 260.

6       Because both movant and respondent seek dismissal of the Rule 60(b) motion(s), the court  
7 will find dismissal of movant's motion appropriate by application of Fed. R. Civ. P. 41(a). This  
8 disposition renders respondent's dismissal motion moot.

9       Accordingly, IT IS ORDERED that the Clerk of Court shall note in the case docket the  
10 voluntary dismissal of movant's motions at ECF Nos. 239, 241, and 256, pursuant to his request  
11 at ECF No. 260 and Rule 41(a), and that the motion to dismiss at ECF No. 252 has thereby been  
12 rendered moot.

13 DATED: November 12, 2013

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15 ALLISON CLAIRE  
16 UNITED STATES MAGISTRATE JUDGE

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